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Attorneys for Non-Parties  
Benjamin J. Mann and Dario Amodei

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPENAI CHATGPT LITIGATION

Case No. 3:23-cv-03223-AMO

**DECLARATION OF JEFFREY M. GUTKIN IN  
SUPPORT OF NON-PARTY DARIO AMODEI'S  
OPPOSITION TO *IN RE OPENAI* AND  
*AUTHORS GUILD* PLAINTIFFS' MOTION TO  
COMPEL DEPOSITION**

Date: March 4, 2025  
Time: 11:00 a.m.  
Judge: Hon. Robert M. Illman

*In re* MOTION TO COMPEL  
COMPLIANCE WITH NON-PARTY  
SUBPOENAS

Misc. Case No. 3:25-mc-80017-AMO

Underlying Litigation: *Authors Guild, et al.*  
*v OpenAI, et al.*, 1:23-cv-0822-SHS  
(S.D.N.Y)

In the matter of

AUTHORS GUILD, *et al.*, individually  
and on behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., *et al.*,

Defendants.

1 I, Jeffrey M. Gutkin, hereby declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and a Partner at  
3 Cooley LLP, counsel for non-party Dario Amodei. I have personal knowledge of the facts herein  
4 and if called to testify, could and would testify competently hereto.

5 2. I make this Declaration in support of the Oppositions to Plaintiffs' Motions to  
6 Compel the Deposition of Dario Amodei filed by Plaintiffs in *Authors Guild, et al., v. OpenAI Inc.,*  
7 *et al.*, Case No. 1:23-cv-08292-SHS and *In re OpenAI ChatGPT Litigation*, Case No. 3:23-cv-  
8 03223-AMO ("Authors Guild Plaintiffs," or "*In re OpenAI* Plaintiffs, or collectively, "Plaintiffs").

9 3. On May 6, 2024, the *Authors Guild* Plaintiffs served a document and deposition  
10 subpoena on Mr. Amodei. Following suit, the *In re OpenAI* Plaintiffs served a deposition subpoena  
11 on Mr. Amodei on January 13, 2025.

12 4. On February 11, 2025, the Court ruled that Mr. Mann would sit for a 7-hour  
13 deposition. That deposition is schedule for February 27, 2025.

14 5. Through conversations with party counsel, I understand that the *In re OpenAI*  
15 Plaintiffs have only taken the deposition of one OpenAI employee, Henrique Ponde de Oliveira,  
16 who I understand was not on the OpenAI training data team. The *Authors Guild* Plaintiffs have  
17 taken no depositions.

18 6. However, to try and resolve the pending Motions to Compel non-party Mr.  
19 Amodei's deposition, counsel for Mr. Amodei and Plaintiffs plan to meet and confer on February  
20 18, 2025, and will update the court accordingly.

21 7. Mr. Amodei produced his LinkedIn page to the *Authors Guild* Plaintiffs, which  
22 reflects that he is the Chief Executive Officer and Co-Founder of non-party Anthropic PBC  
23 ("Anthropic"), which he co-founded in early 2021. The page also shows that, prior to co-founding  
24 Anthropic, Mr. Amodei worked at OpenAI from July 2016 to December 2020, during which he  
25 held supervisory positions relating to research and safety, holding titles of Vice President of  
26 Research, Research Director, and Team Lead for AI Safety.

27  
28

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed on February 14, 2025, in Oakland, California.  
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5 /s/ Jeffrey M. Gutkin

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